

APPROVED JUNE 18, 2015

The regular meeting of the Douglas County Board of Commissioners was held on May 21, 2015 in the meeting room of the Tahoe Transportation Center, 169 Highway 50 East, Stateline, Nevada, beginning at 1:30 p.m.

COMMISSIONERS PRESENT: Doug N. Johnson, Chairman; Nancy McDermid, Vice Chairwoman; Greg Lynn, Commissioner; Barry Penzel, Commissioner and Steve Thaler, Commissioner.

STAFF PRESENT: Captain David Aymami, DCSO; Sgt. Pat Brooks, DCSO; Doug Ritchie, Chief Civil Deputy District Attorney; Jim Nichols, County Manager; Chief David Fogerson, EFFD; Justina Caviglia, Deputy District Attorney; Nick Charles, Civil Engineer III; Kathy Lewis, Clerk-Treasurer; and Laure Penny, Clerk to the Board.

INVOCATION

The Invocation was led by Pastor Norm Milz, Shepherd of Sierra Lutheran Church.

PLEDGE OF ALLEGIANCE

Kathy Lewis led the Pledge of Allegiance

PUBLIC COMMENT (No Action)

Carol Chaplin, Lake Tahoe Visitors Authority, updated the Board on the success of the AMGEN tour; the advertising campaign in San Diego, California; and the inaugural flight of Jet Blue from JFK to Reno on May 28, 2015.

Public comment closed.

APPROVAL OF AGENDA

For possible action. Approval of proposed agenda.

MOTION by Lynn/McDermid to approve the agenda with Items 2d & 2n being pulled for further discussion; carried unanimously.

APPROVAL OF PREVIOUS MINUTES

For possible action. Approval of the Board Minutes of April 16, 2015 and May 4, 2015.

MOTION by Lynn/McDermid to approve the Minutes for April 16, 2015 – Regular Meeting and May 4, 2015 - Special Meeting; carried unanimously

DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF MAY 21, 2015

DOUGLAS COUNTY AWARD PRESENTATIONS

1. Ceremonial presentation of Proclamation Number 2015P-044 designating the month of June 2015 as Lake Tahoe Wildfire Awareness Month. (Eric Guevin)

Vice Chairwoman McDermid reads the Proclamation into the record. Tahoe Douglas Fire Chief accepts that Proclamation and thanks everybody. He mentioned that compost and combustibles can be taken to Heavenly Boulder.

CONSENT CALENDAR

MOTION by McDermid/Lynn to approve the Consent Calendar items 2a-2o. Items 2d and 2n being pulled for further discussion.

FINANCE

2a. For possible action. Discussion to adopt Resolution 2015R-045 authorizing the establishment of a special revenue fund to be named the Library Gift Fund (Fund 235) (Christine Vuletich)

MOTION to approve;

CLERK-TREASURER

2b. For possible action. Discussion to approve Amendment #1 to the Interstate Interlocal Contract between State of Nevada Department of Motor Vehicles and Douglas County Clerk/Treasurer for DMV services at Stateline DMV/Tahoe General Services. (Kathy Lewis)

MOTION to approve;

2c. For possible action. Discussion to approve an Outdoor Festival Permit submitted by Artist to You Festivals LLC, for a minimum of eight Art & Craft shows, scheduled for various dates beginning June 4 through September 13, 2015, from 10 a.m. to 6 p.m., to be held at the parking lot at Round Hill Square Plaza on the Highway 50 side, 212 Elk Point Road, Zephyr Cove, Nevada. (Kathy Lewis)

MOTION to approve;

2d. For possible action. Discussion to approve, with conditions, an Outdoor Festival Permit submitted by the Hard Rock Hotel & Casino, for a minimum of six Hard Rock Summer Concerts, scheduled for various dates beginning June 27 through September 6, 2015, from 12:00 p.m. to 11:00 p.m. (show times depending on Artist), to be held at the Arena located in the back parking lot of the Hard Rock Hotel, Stateline, Nevada. (Kathy Lewis)

DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF MAY 21, 2015

This item was pulled for further discussion.

DISTRICT COURT

2e. For possible action. Discussion to approve a contract between Douglas County, China Spring Youth Camp, and Dr. John R. Holman and Nurse Shari Dixon to provide medical services for juveniles at China Spring Youth Camp, effective July 1, 2015 through June 30, 2016, in an amount not to exceed \$36,000, per the approved FY 2015-16 budget. (Wendy C. Garrison)

MOTION to approve;

2f. For possible action. Discussion to approve a contract between Douglas County, China Spring Youth Camp, and Dr. Sheri Skidmore to provide psychological services for juveniles at China Spring Youth Camp, effective July 1, 2015 through June 30, 2016, in an amount not to exceed \$165,000, per the approved FY 2015-16 budget. (Wendy C. Garrison)

MOTION to approve;

2g. For possible action. Discussion to approve the Intrastate Interlocal Contract between State of Nevada, Department of Health and Human Services Division of Child and Family Services, and the China Spring Youth Camp effective from July 1, 2015 to June 30, 2017, at a cost not to exceed \$3,704,215 per fiscal year. (Wendy Garrison)

MOTION to approve;

2h. For possible action. Discussion to approve the Nevada Department of Education National School Lunch Program reimbursable meal service grant application for FY2015-16, and authorize Wendy C. Garrison, Director of Juvenile Youth Camp Services, to sign the required documentation for the program. (Wendy Garrison)

MOTION to approve;

2i. For possible action. Discussion on the approval of the indigent legal service contracts with (1) Jamie Henry, Esq., (2) Derrick Lopez, Esq., (3) Law Offices of Kristine L. Brown, LLC, and (4) Maria Pence, Esq., effective July 1, 2015 through June 30, 2016, each in the amount of \$195,833.33, per the approved FY 2015-16 Budget. (Bobbie Williams)

MOTION to approve;

2j. For possible action. Discussion to approve a contract between the Douglas County Judiciary and the Senior Advocacy for Elderly Services to manage guardianships, financial auditing, accounting and any other related work for all

DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF MAY 21, 2015

guardianships as directed by the courts in Douglas County in an amount not to exceed \$72,000 per year for the period of July 1, 2015 through June 30, 2016. (Judge Tod Young)

MOTION to approve;

DOUGLAS COUNTY LIQUOR BOARD

2k. For possible action. Discussion to approve the On-Site Unrestricted Retail Liquor License, Entertainment Endorsement License, Caterer's Unrestricted Liquor License, and Restricted Gaming License for Tom Gallatin, representing Casey Holdings I LLC Series K, dba Casey's. Tom Gallatin has signed a Waiver of Notice of Hearing, as well as a contract with Golden Gaming as his slot route operator. Casey's is located at: 212 Elks Point Road, Suites 1101, 1102, 125 and 127, Zephyr Cove, Nevada 89448. (Sergeant Pat Brooks)

MOTION to approve;

HUMAN RESOURCES

2l. For possible action. Discussion to approve the contract between Douglas County and Carson Valley Medical Center Rural Health Clinic, LLC to provide occupational health services to Douglas County employees and employees of its political subdivisions that utilize these services, effective July 1, 2015 through June 30, 2016, in an amount not-to-exceed \$85,000 as budgeted in the FY 2015-16 Budget. (Norma Santoyo)

MOTION to approve;

PUBLIC WORKS

2m. For possible action. Discussion to award a contract for the engineering, construction management, and material testing services for the Toler Avenue Reconstruction Project to Eastern Sierra Engineering in the amount of \$69,000 and authorize the Public Works Director to approve contract amendments up to 10% of the contract amount. (Jon Erb)

MOTION to approve;

COUNTY MANAGER

2n. For possible action. Discussion to authorize Chairman Doug Johnson to sign and forward a letter of support for the continued levy of the Residential Construction Tax for Schools to the Nevada Tax Commission. (Holly Luna)

This item was pulled for further discussion.

REPORT OF FEES

2o. For possible action. Report on general ledger cash balances through April 30, 2015 per NRS 251.030. (Katherine Bradshaw)

DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF MAY 21, 2015

MOTION to approve;

MOTION; carried unanimously.

ADMINISTRATIVE AGENDA

CONSENT CALENDAR ITEMS PULLED FOR FURTHER DISCUSSION:

2d. For possible action. Discussion to approve, with conditions, an Outdoor Festival Permit submitted by the Hard Rock Hotel & Casino, for a minimum of six Hard Rock Summer Concerts, scheduled for various dates beginning June 27 through September 6, 2015, from 12:00 p.m. to 11:00 p.m. (show times depending on Artist), to be held at the Arena located in the back parking lot of the Hard Rock Hotel, Stateline, Nevada. (Kathy Lewis)

Chairman Johnson recuses himself from this item.

Vice Chairwoman McDermid stated the reason she asked to have this item pulled and continued was because on the permit site plan it shows that the porta potties are located behind the Hard Rock parking lot on vacant property that belongs Edgewood Companies. Hard Rock needs to coordinate with Edgewood Companies and have them sign off on the porta potties being there or Hard Rock will need to move them.

PUBLIC COMMENT

Paul Reder, Producer of the Outdoor Concert Series at the Hard Rock, stated when they were doing the map for the permit they were unaware that the vacant lot was not owned by the Park Brothers. He will recommend moving the porta potties to the concrete portion of the parking lot.

Public comment closed.

MOTION by Lynn/Penzel to continue Item 2d to a subsequent meeting; carried with a vote of 4-0; Johnson recused.

2n. For possible action. Discussion to authorize Chairman Doug Johnson to sign and forward a letter of support for the continued levy of the Residential Construction Tax for Schools to the Nevada Tax Commission. (Holly Luna)

Commissioner Penzel commented this is a \$1600 tax on residential properties when they are built in addition to what's in the Ad Valorem tax. The County is allowed to recoup 1% of the administrative cost for this tax and the County has not been doing that. He feels in this time of revenue shortage we should be collecting what is due and payable.

DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF MAY 21, 2015

Holly Luna, Chief Financial Officer of the School District, provided a background on why the tax was put in place. As the rural school districts in Nevada grew they exceeded the ability to bond so this statute helped support schools with revenues that are directly tied to the needs of major improvements and expansion. There is a 3 tier approach to review and approval: the school board, the BOCC and then the CLGF. Historically the Commissioners have agreed with the school board that they need to continue to provide this levy to help generate support for the maintenance of schools. Ms. Luna provided a summary of projects this levy has been helping and will help to pay. The money collected from this tax can only be used for major maintenance, renovations, revitalization and new build.

Commissioner Thaler asked Ms. Luna if the 1% has ever been collected. Ms. Luna responded she has been here for 9 years and as far as she knows it has not been collected. Commissioner Thaler commented he thinks collecting the 1% needs to be considered.

Commissioner Penzel wanted Ms. Luna's thoughts on the County collecting the 1%. Ms. Luna responded it wouldn't prevent a project from happening. Commissioner Penzel commented he believes we should be collecting the 1%.

Vice Chairwoman McDermid commented if we were to collect the 1% she would want to return it to the school district. She believes Douglas County has really good schools and she would like to maintain and continue having good schools.

Commissioner Thaler stated he believes the 1% was put there to offset the County collecting taxes. He then commented Governor Sandoval is bringing money back to the schools but he isn't bringing money back to the County so he's unsure why we have never collected the 1%.

No public comment.

Chairman Johnson commented the way it was set up, whether we did it in the past or not, was to have 1% go back to the County. He believes we should be collecting the 1%.

Doug Ritchie, Chief Civil Deputy District Attorney, stated the statute talks about "may" impose. It appears to have been imposed but never collected. Mr. Ritchie suggested letting the school district know we are going to start taking the 1% for the County in the future.

MOTION by Lynn/Thaler to authorize Chairman Doug N. Johnson to sign and forward a letter of support for the continued levy of the Residential Construction Tax for Schools to the Nevada Tax Commission with the caveat we will inform the school district we will collect the 1% as allowed by statute; carried unanimously.

DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF MAY 21, 2015

COUNTY MANAGER

3. Presentation regarding the 2015-2016 Leadership Lake Tahoe Program. (Evan Yakar)

Evan Yakar is a graduate of 2013/14 Leadership Lake Tahoe Class. He provided a summary of the program and all its benefits. Mr. Yakar has attended and run many leadership programs but did not understand the Tahoe's version of leadership until he was accepted into the Leadership Lake Tahoe Program. He didn't understand how important it was and continues to be for people to understand that public service, education, public safety, economy all have to work together to make our community exist and thrive. He became part of the Lake Tahoe Leadership Task Force. This means he does presentations, recruiting, and facilitating of classes. Mr. Yakar suggested anybody interested in the program should submit an application.

Commissioner Thaler commented he took the 2011 program in the Valley and thinks it's a great program and suggested anybody interested should submit an application. He also was wondering if any of the other Board members have taken it.

Vice Chairwoman McDermid stated she was in the inaugural class and highly recommends it.

This was presentation only.

DISTRICT ATTORNEY

4. For possible action. Discussion on the adoption of Ordinance 2015-1435 updating Douglas County Code Chapter 2.50 (Douglas County Law Library) to be consistent with Nevada Revised Statute (NRS) chapter 380 (Law Libraries) and all other properly related matters. (2nd Reading) (Justina Caviglia)

Justina Caviglia, Deputy District Attorney, stated this is the second reading and there have been no changes since it was introduced last month.

No public comment.

MOTION by McDermid/Lynn to adopt Ordinance 2015-1435 updating Chapter 2.50 (Douglas County Law Library) and all other properly related matters; carried unanimously.

5. For possible action. Discussion on appointments to the Douglas County Law Library Board of Trustees for two-year terms ending December 31, 2016. (Justina Caviglia)

DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF MAY 21, 2015

Justina Caviglia, Deputy District Attorney, stated they have an opening for one licensed attorney and have received one application from Preston Day. She is asking to have him appointed. Also a decision needs to be made if Commissioner Penzel or Commissioner Thaler will remain on the Law Library Board.

No public comment.

MOTION by McDermid/Penzel to approve the appointment of Preston Day as the Attorney Representative and Commissioner Steve Thaler as the Board Representative and remove Commissioner Barry Penzel from the Law Library Board, for a two-year term ending December 31, 2016; carried unanimously.

EAST FORK BOARD OF FIRE COMMISSIONERS

6. For possible action. Discussion on the introduction and first reading of Ordinance 2015-1437 adding Chapter 18.15 – “Ambulance Service Districts” to Title 18 – “Town Annexation and Service Districts” of the Douglas County Code to grant the East Fork Fire Protection District and the Tahoe Douglas Fire Protection District the exclusive right to provide ambulance and related advanced emergency medical technician or paramedic care services within their respective district boundaries, and to provide for other properly related matters. (Second 1st Reading) (David Wm. Fogerson)

Chief David Fogerson, East Fork Fire District, stated this is a second 1st reading to give the residents of the Tahoe Douglas Fire Protection District a chance to hear it as well. Chief Fogerson provided a brief summary of what the ordinance covers. When the Paramedic District was in place East Fork enjoyed the protection of being the exclusive provider for EMS transport services within the jurisdiction. When the District goes away July 1, 2015 that protection does not exist for the Fire District. Chief Fogerson went on to explain what they are looking for is the ability for the Board to designate who is the transport providers in order to protect public safety. The concern is anybody could come into the jurisdiction and there would be no control over response times or staffing levels. By putting the Ordinance into place they would have that control. It provides for others to come in and provide service as long as East Fork Fire is aware they are there so it doesn't exclude anyone but gives them the first right of refusal.

No public comment.

Second 1st reading no motion necessary.

PUBLIC WORKS

7. For possible action. Discussion to approve an emergency drought contingency plan for the County's Lake Tahoe Water Systems and authorizing

DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF MAY 21, 2015

the Public Works Director to implement mandatory water conservation measures, as identified in the County's Water Conservation Plan, to meet water supply requirements. (Nick Charles)

Nick Charles, Civil Engineer III, presented an overview of drought conditions and the impact it is having on the Lake and the Water Systems. He stated 18% of Nevada is in an extreme drought. In September the Governor issued a declaration to establish the Nevada Drought Forum. The purpose of the Forum is to look at drought issues within the State and develop policy, needs and conservation practices that could be implemented to help improve the situation. Douglas County Public Works has received a request from the Forum to provide feedback on what we are doing as a water system to address drought issues.

Mr. Charles provided historical Lake levels data going back as far as 1961. He commented when the Lake reaches its natural rim no water flows out. Usually the Lake drops in the Fall but comes back in the Spring. That did not happen this year and it could take at least a year or more to recover.

Mr. Charles showed pictures of the Cave Rock Intake Pipe in the Lake. The water level is so low there is minimal coverage and you can see the top of the cement anchor holding the pipe down. This is a real concern. The intake pipe should be at least 15 feet below the water. He also discussed that the water treatment plants cannot run 24 hours a day and if the level drops too much that could happen because the water treatment facility is trying to keep up with system demands.

Mr. Charles provided Lake level projections along with water system impacts. The impacts include: 1) system capacity; 2) fire flow capacity; 3) operational time; 4) maintenance; and 5) risk of system damage. Recommendations to the Board are: 1) declare a Stage 1 Drought Warning – immediately; 2) declare a Stage 2 Severe Drought – when Lake drops to 6,221.5 feet; 3) Cave Rock Intake Upgrades; and 4) Uppaway Well Rehab.

No public comment.

Vice Chairwoman McDermid commented she would like to see the even/odd addresses and commercial/industrial days for watering from Stage 2 be added into Stage 1. She believes it would be beneficial to implement it now to take some of the pressure off the water systems. Mr. Charles responded that is definitely something they can do and there are advantages to implementing some of the restrictions sooner than later. It also gives Public Works time to work with the public before it becomes an emergency situation.

DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF MAY 21, 2015

Commissioner Lynn supports Vice Chairwoman McDermid's recommendation. He commented people don't forget droughts and it's a good idea to get the public use to water conservation now rather than later.

Commissioner Thaler believes it's all about public outreach. We need to get people's attention.

Commissioner Penzel stated he is concerned no study was done. He believes the Douglas County residents won't appreciate having to conserve water differently than South Lake Tahoe or El Dorado County. He thinks we should see what these other jurisdictions are doing before we implement anything. He suggested maybe now is a good time to add to the Cave Rock Intake Pipe. Mr. Charles responded it is on the list of things to do. They would like to do an evaluation on the Cave Rock Intake and look at methodologies to increase the intake at lower lake levels.

MOTION by McDermid/Lynn to declare Stage 1 Drought Warning adding that even street addresses can water on Monday, Wednesday and Saturday; odd street addresses can water Tuesday, Thursday and Sunday and Commercial and Industrial can water on Tuesday and Friday. Additional move to direct Public Works Director to declare Stage 2 Severe Drought if the Lake level drops 6221.5 ft. Furthermore to direct Public Works to a) complete Cave Rock Intake evaluation design to increase pumping capacity; b) rehabilitate Uppaway wells 1 & 2; c) complete drought analysis for the Carson Valley Water Utility; d) monitor drought conditions and e) follow developments of the Nevada Drought Forum. ***(this Motion was superseded by the Amended Motion below)***

After some discussion between the Commissioners, Mr. Nichols and Mr. Ritchie they decided to amend the motion.

Amended Motion:

MOTION by McDermid/Lynn to declare Stage 1 Drought Warning recommending a watering schedule similar to the one presented in the mandatory Stage 2 Severe Drought. Additionally move to direct Public Works Director to declare Stage 2 Severe Drought if the Lake level drops 6221.5 ft. Furthermore to direct Public Works to a) complete Cave Rock Intake evaluation design to increase pumping capacity; b) rehabilitate Uppaway wells 1 & 2; c) complete drought analysis for the Carson Valley Water Utility; d) monitor drought conditions and e) follow developments of the Nevada Drought Forum; carried with a vote of 4-1; Penzel – Nay vote.

COUNTY MANAGER

8. For possible action. Discussion and direction to staff regarding legislation or legislative issues proposed by legislators or by other entities permitted by

DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF MAY 21, 2015

the Nevada State Legislature to submit bill draft requests, or such legislative issues that may impact Douglas County as may be deemed by the Board of County Commissioners.

Commissioner Lynn commented that Bill 332 removes the exemption for public entities to not pay sales tax on material they purchase themselves for use in Capital Projects. Using the Community Center as an example, it saved the County about \$400,000 in sales tax. Chairman Johnson commented he brought it up with NACo. and they wanted to stay neutral. Vice Chairwoman McDermid stated if this bill passes it will kill NDOT because they will have to start paying sales tax.

Chairman Johnson commented the Bill that allows the Commissioners to refuse longevity pay when they ask others to take pay cuts has been signed by the Governor. He stated there are still Collective Bargaining Bills out there that are complicated.

Vice Chairwoman McDermid stated Senator Settlemyer had a Bill that had a 3% surcharge/tax on taxi cabs, limos and Uber and that money would have been dedicated to build the UNLV Medical School and \$30 million would have gone to the community colleges. It failed by 1 vote. It's sad because its revenue that is greatly needed.

Commissioner Penzel commented on the Conservation District Bill. The Bill provides a \$25.00 tax levy on parcels in the County that the Conservation District is in. We have 3 Conservation Districts. This would allow them to raise \$25.00 per parcel in their conservation district. One of the stated purposes for the tax levy is for weed control but what it will do is stabilize funding. Commissioner Penzel mentioned we have tax levies going to the conservation districts in the Valley but none going to Tahoe. NTCDD does not receive a tax levy. He believes that's an issue that needs to be looked at.

9. Reports/updates from County Commission members concerning the various boards and/or commissions that they may be a member of or a liaison to or meetings/functions they have attended. These boards/commissions/meetings include but are not limited to the: Nevada Association of Counties; Carson Water Subconservancy District; Lake Tahoe Visitors Authority; Tahoe Regional Planning Agency; Law Library; NevadaWorks; Carson Valley Chamber of Commerce, Carson Valley Visitors Authority; Tahoe Douglas Visitors Authority; Lake Tahoe South Shore Chamber of Commerce; Western Nevada Development District; Regional Transportation Commission; Nevada Tahoe Conservation District; Nevada V & T Railroad Commission; Joint Powers/Waste Management; Tahoe Transportation District, and the Debt Management Commission. There will be no discussion or action taken on these reports/updates.

DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF MAY 21, 2015

Commissioner Penzel commented at NNDA there were two issues that came up that he thought were important enough to bring to the Board. One is the Tribe came and announced they were starting to build the Plaza Casino at the South end of Gardnerville. They have already broken ground. The second is the Governor is taking the NNDA staff to Europe and Commissioner Penzel was wondering if anybody from Douglas County should go on the trip. James Nichols, County Manager, stated he had been invited to participate but he is unavailable to make the trip. He commented if the Board desires to send a representative he can look into it. He believes the businesses in Poland are covering some of the internal costs and transportation in Poland but all other costs would fall on the individual.

Commissioner Lynn commented one thing came out of Subconservancy the other night. They received some grant requests for FEMA flood studies and one thing that was not on the Douglas County list was the Virginia Rocky Slough project. We had an opportunity in 2015 to fund some of the projects and he doesn't want to let it get away in 2016.

CLOSING PUBLIC COMMENT (No Action)

No public comment.

MOTION by Johnson/Lynn to adjourn the meeting; carried unanimously.

There being no further business to come before the Board, the meeting adjourned at 3:09 p.m.

Respectfully submitted:

Doug N. Johnson, Chairman
Douglas County Board of Commissioners

ATTEST:

Kathy Lewis, Clerk-Treasurer